

REMARKS

Careful consideration has been given to the Official Action of November 3, 2004 and reconsideration of the application as amended is respectfully requested.

We acknowledge the Examiner's telephone interview of December 13, 2004 regarding the absence of cited references and the matter is rendered moot as the references have now been web posted on the Private PAIR system.

Claims 1-25 are pending.

Claims 1-8, 11-16, and 20-23 stand rejected under 35 U.S.C. 102(e) as being anticipated by Draghetti et al. (US Patent No. 6,516,589).

Claims 9-10, 17-19, and 24-25 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Draghetti et al.

Claim 1 has been amended to clearly distinguish over Draghetti et al.

Claim 1 now calls for release of the article from the gripping means while the pocket advances along its path, and pushing the article against a locating member of the pocket as the article is advanced along the path in order to move the article into contact with the locating member.

In column 4, lines 46-59, Draghetti et al. disclose: "*In actual use, overwrapped packet 35 is fed to the output of folding station 25 inside respective pocket 33 and in time with a respective pocket 37. At the output of station 25, when shaft 49 is oscillated about axis 51 and portions of folding devices 34 are still positioned engaging outer wrapping 36, the two lateral jaws 47 and transverse jaw 48 are all moved simultaneously from a detached position to a gripping position (FIG. 2) in which sealing devices 60 and sealing device 70 are respectively positioned contacting overlap portions 36a and overlap portion 13a, so as to clamp overwrapped*"

packet 35 inside respective pocket 37 and stabilize outer wrapping 36 by means of two end seals at overlap portions 36a and a longitudinal edge seal at overlap portion 13a."

From the above, it is clear that Draghetti et al. disclose simultaneously moving the two lateral jaws 47 (supporting the sealing devices 46) and the transverse jaw 48 (supporting the sealing device 70) so as to retain the article inside the pocket 37; it is also clear that the transverse jaw 48 (sealing device 70) is brought into contact with the article together with the two lateral jaws 47 (sealing devices 46) and thus the transverse jaw 48 (sealing device 70) cannot act successively as a locating member because the transverse jaw 48 (sealing device 70) is already in contact with the article. In other words, the article cannot be pushed against the transverse jaw 48 (sealing device 70) as the article is advanced along the path, because at the beginning of the path the article is already into contact with the transverse jaw 48 (sealing device 70). It is noted that a sealing device has to be in contact with the article in order to generate the combined action of pressure and heat necessary to achieve the heat sealing.

Furthermore, Draghetti et al. do not disclose releasing the article from the gripping means while the pocket advances along the path so as to let the article be pushed against a locating member of the pocket.

Draghetti et al. do not anticipate claim 1 as amended, because Draghetti et al. do not disclose releasing the article from the gripping means while the pocket advances along the path, and pushing the article against a locating member of the pocket as the article is advanced along the path in order to move the article into contact with the locating member.

There cannot be a valid *prima facie* case of obviousness under 35 U.S.C. 103 based on Draghetti et al., because this reference does not show or suggest releasing the article from the gripping means while the pocket advances along the path, and pushing the article against a locating member of the pocket as the article is advanced along the path in order to move the article into contact with the locating member. In order to reach the invention as claimed in claim 1, one would have to completely disregard the teachings given by Draghetti et al., which include maintaining the gripping means in contact with the article during the whole path. There is no suggestion to discard these teachings without using applicant's own disclosure as a template, and no such suggestion can be found in the reference. "To establish *prima facie* obviousness of a


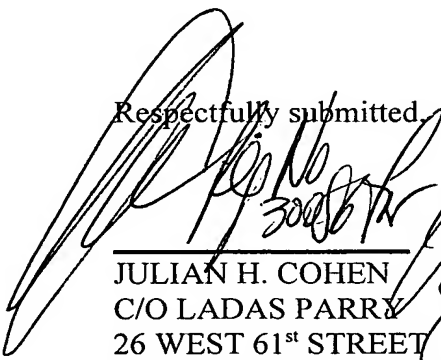
claimed invention, all the claim limitations must be taught or suggested by the prior art" MPEP § 2143.03. As stated above, Draghetti et al. do not show or suggest releasing the article from the gripping means while the pocket advances along the path, and pushing the article against a locating member of the pocket as the article is advanced along the path in order to move the article into contact with the locating member. The other cited references add nothing of relevance with respect to amended claim 1.

Accordingly, claim 1 is deemed allowable. Claims 2-25 depend from claim 1 are considered allowable therewith.

CONCLUSION

In view of the above action and comments, it is respectfully submitted that the claims now presented are in condition for allowance and favorable reconsideration is respectfully solicited.

Respectfully submitted,



JULIAN H. COHEN
C/O LADAS PARRY
26 WEST 61ST STREET
New York, NY 10023
REG. No. 20302 - 212-708-1887